

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.1 OF 2005

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Office Notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders                      Court's or Judge's orders  
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Ms.Indrayani              Koparkar              i/b.Umesh  
Deshpande for the Appellant.

Mr.              P.R.Arjunwadkar              for              the  
Respondents.

CORAM : A.S.OKA, J.

DATED : 5TH APRIL 2005.

P.C. :  
Heard Advocates appearing for the  
parties. Prayer in this application  
is for transfer of Misc. Application  
No.224 of 2002 pending in the Court of  
3rd Addl. District Judge at Kolhapur,  
to the Family Court at Pune. It is not  
in dispute that affidavit of  
examination in chief of the Respondent  
is already filed before the learned  
Add. District Judge. The learned  
Counsel for the Respondent stated that  
the Applicant did not cross examine  
the Respondent and now the application  
is kept for further hearing on  
7.4.2005.

2. The learned Counsel for the applicant stated that as the Applicant could not attend the Court at Kolhapur, she was prevented from cross examining the Respondent. As the learned Additional District Judge has proceeded with the hearing of the application, it will be unjust to exercise powers under Section 24 of the said code. If for certain reasons the Applicant has not cross examined the Respondent, it is always open for the Applicant to make appropriate application to the trial Court for recalling the Respondent for cross examination.

3. Subject to what is stated above, the application is rejected with no order as to costs.

(A.S.Oka, J.)